

Maritime Administration, DOT

§ 205.3

the Academy in amounts not exceeding \$20,000.

[58 FR 29351, May 20, 1993]

§ 204.8 Where to file claims.

Claims shall be filed with the appropriate official as follows:

(a) Chief Counsel (MAR-200), Maritime Administration, Department of Transportation, Room 7232, Nassif Building, 7th and D Streets SW., Washington, DC 20590 (All claims over \$50,000).

(b) Associate Administrator for Administration (MAR-300), Maritime Administration, Room 7217, Nassif Building, 7th and D Streets SW., Washington, DC 20590 (All claims over \$20,000, but not over \$50,000, originating at the Academy, and all other claims not over \$50,000).

(c) Superintendent (MMA-5100), United States Merchant Marine Academy, Maritime Administration, Kings Point, N.Y. 11024 (All claims not over \$20,000 originating at the Academy).

[58 FR 29351, May 20, 1993]

§ 204.9 Indemnity or contribution.

(a) *Sought by the United States.* If a claim arises under circumstances in which the United States is entitled to indemnity or contribution under a contract or the applicable law governing joint tort-feasors, the Chief Counsel of the Maritime Administration shall notify the third party of the claim and request the third party to honor its obligation to the United States or to accept its share of joint liability. If the issue of third party indemnity or contribution is not satisfactorily adjusted, the underlying claim shall be settled only after consultation with the Department of Justice as provided in 28 CFR 14.7

(b) *Sought from the United States.* Claims for indemnity or contribution from the United States shall be settled under this part only if the incident giving rise to liability and the claim is otherwise cognizable under this part.

§ 204.10 Attorney's fees.

Attorney's fees for any claim settled under this part are limited to not more than twenty percent of the amount paid in settlement.

PART 205—AUDIT APPEALS; POLICY AND PROCEDURE

CONTRACTS WITHOUT DISPUTES ARTICLE

Sec.

205.1 Purpose.

205.2 Policy.

205.3 Procedure.

205.4 Finality of decisions.

CONTRACTS WITH DISPUTES ARTICLE

205.5 Contracts containing disputes article.

AUTHORITY: Sec. 204, 49 Stat. 1987, 1998, 2004, 2011; 46 U.S.C. 1114, 1155, 1176, 1212.

SOURCE: General Order 78, Rev., 30 FR 11680, Sept. 11, 1965, unless otherwise noted.

CONTRACTS WITHOUT DISPUTES ARTICLE

§ 205.1 Purpose.

The purpose of this part is to establish the policy and procedure for seeking redress and for appeals by parties to any contracts entered into by the Maritime Subsidy Board or the Maritime Administration under its authorities, from the findings, interpretations, or decisions reflected in annual or special audits made by the Maritime Administration pursuant to the provisions of such contracts.

§ 205.2 Policy.

Any contractor who disagrees with the findings, interpretations, or decisions in connection with audit reports of the Maritime Administration and who fails to settle said differences by negotiation with the appropriate Coast Director's office, may submit an appeal from such findings, interpretations, or decisions in accordance with § 205.3.

§ 205.3 Procedure.

(a) Appeals shall be made in writing to the Maritime Administrator within 6 months following the date of the document notifying the contractor of the audit findings, interpretations, or decisions of the appropriate Coast Director's office. However, the Maritime Administrator may, at his discretion, extend this limitation in the case of extenuating circumstances.

(b) The appellant will be notified, in writing, if a hearing is to be held or if additional facts are to be submitted for consideration in connection with the appeal.

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(c) After a decision has been rendered by the Maritime Administrator, the appellant will be notified accordingly, in writing.

§ 205.4 Finality of decisions.

A decision of the Maritime Administrator shall be final on all questions of fact involved in the appeal, unless determined by a court of competent jurisdiction to have been fraudulent, capricious, arbitrary, so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence.

CONTRACTS WITH DISPUTES ARTICLE

§ 205.5 Contracts containing disputes article.

Where the contract contains a disputes article the contractor may dispute audit findings, interpretations, or decisions made by the Maritime Administration pursuant to the provisions of said contract and the decision on such dispute and any appeal therefrom shall be governed by the terms of the disputes article of the contract.

PART 207—STATISTICAL DATA FOR USE IN OPERATING-DIFFERENTIAL SUBSIDY APPLICATION HEARINGS

Sec.

207.1 Purpose.

207.2 Basic statistical data.

207.3 Procedures.

46 CFR Ch. II (10–1–98 Edition)

AUTHORITY: Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036); Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973).

SOURCE: 41 FR 50257, Nov. 15, 1976, unless otherwise noted.

§ 207.1 Purpose.

The purpose of this part is to identify the basic statistical data and reports required by the Maritime Subsidy Board (Board) in hearings held under section 605(c), Merchant Marine Act, 1936, as amended (Act), in regard to applications for operating-differential subsidy (ODS) under Title VI of the Act and to provide procedures for the production of these data and reports. Statistical data not expressly covered by this part are subject to subpart A of part 206 of this subchapter. There shall be no charge for the production of the basic statistical data and reports identified in this part.

§ 207.2 Basic statistical data.

(a) *Data and reports available.* The basic statistical data and reports that will be provided pursuant to § 207.3 of this part in regard to any hearing held by the Board under section 605(c) of the Act in connection with an application for ODS are as follows, with the accompanying “Notes” forming an integral part of each report: